

78B-15-302. Execution of declaration of paternity.

- (1) A declaration of paternity must:
 - (a) be in a record;
 - (b) be signed, or otherwise authenticated, under penalty of perjury, by the mother and by the declarant father;
 - (c) be signed by the birth mother and declarant father in the presence of two witnesses who are not related by blood or marriage; and
 - (d) state that the child whose paternity is being declared:
 - (i) does not have a presumed father, or has a presumed father whose full name is stated; and
 - (ii) does not have another declarant or adjudicated father;
 - (e) state whether there has been genetic testing and, if so, that the declarant man's claim of paternity is consistent with the results of the testing; and
 - (f) state that the signatories understand that the declaration is the equivalent of a legal finding of paternity of the child and that a challenge to the declaration is permitted only under the limited circumstances described in Section 78B-15-307.
- (2) If either the birth mother or the declarant father is a minor, the voluntary declaration must also be signed by that minor's parent or legal guardian.
- (3) A declaration of paternity is void if it:
 - (a) states that another man is a presumed father, unless a denial of paternity signed or otherwise authenticated by the presumed father is filed with the Office of Vital Records in accordance with Section 78B-15-303;
 - (b) states that another man is a declarant or adjudicated father; or
 - (c) falsely denies the existence of a presumed, declarant, or adjudicated father of the child.
- (4) A presumed father may sign or otherwise authenticate an acknowledgment of paternity.
- (5) The declaration of paternity shall be in a form prescribed by the Office of Vital Records and shall be accompanied with a written and verbal notice of the alternatives to, the legal consequences of, and the rights and responsibilities that arise from signing the declaration.
- (6) The Social Security number of any person who is subject to declaration of paternity shall be placed in the records relating to the matter.
- (7) The declaration of paternity shall become an amendment to the original birth certificate. The original certificate and the declaration shall be marked as to be distinguishable. The declaration may be included as part of subsequently issued certified copies of the birth certificate. Alternatively, electronically issued copies of a certificate may reflect the amended information and the date of the amendment only.
- (8) A declaration of paternity may be completed and signed any time after the birth of the child. A declaration of paternity may not be signed or filed after consent to or relinquishment for adoption has been signed.
- (9) A declaration of paternity shall be considered effective when filed and entered into a database established and maintained by the Office of Vital Records.

Renumbered and Amended by Chapter 3, 2008 General Session